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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,088	04/07/2000	Charles Gilbert Heisinger JR.		1969

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KRAMER + ASSOCIATES, P.C.
CRYSTAL PLAZA ONE
2001 JEFFERSON DAVIS HWY. SUITE 1101
ARLINGTON, VA 22202

EXAMINER

FLEURANTIN, JEAN B

ART UNIT PAPER NUMBER

2172

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/545,088

Applicant(s)

HEISINGER, CHARLES GILBERT

Examiner

Jean B Fleurantin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/13/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

1. Claims 36-64 are added. And claims 36-64 are remained pending for examination.

Drawings

2. The drawings filed on 09/13/2002 are approved by the Draftsperson under 37 CFR 1.84 or 1.152 as indicated in the "Notice of Draftsperson's Patent Drawing Review," PTO-948.
3. Applicant's arguments submitted on 09/13/2002 with respect to claims 36-64 have been fully considered but are moot in view of new ground(s) of rejection.

Response to Applicant's Remarks

4. Applicant's response, page 6, argued that "the applicant's invention is a system for purchasing products/services or requesting information from an entity using a telephone system." This argument is moot in view of new ground(s) of rejection, see paragraph 5 below.

Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marwell et al. (U.S. Pat. No. 6,404,884) in view of Foladare et al. (U.S. Pat. No. 6,311,210) ("Marwell") ("Foladare").

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As per claim 36, Marwell substantially teaches a method of addressing an electronic message (see col. 1, lines 12-19) as claimed comprises the step of providing a first database containing stored telephone numbers and user information corresponding to each of the stored telephone numbers (thus, a database is coupled to the web server such that the first database stores the list of personal contact data, the list of personal contact data stored in the first database is updated with the personal contact update data received by the web server; which is readable as providing a first database containing stored telephone numbers and user information corresponding to each of the stored telephone numbers) (see cols. 1-2, lines 66-3);

providing a second database containing identification codes and addressing information corresponding to each identification codes (thus, the personal contact list tables preferably store contact names and numbers for each corresponding user, the personal contact list can also be arranged to include more detailed information about each contact, such as electronic and surface mail addresses, job title, company name, company address, facsimile telephone number, home web page address, birthday, and the like, each entry in a contact list is assigned a unique identification number; which is readable as second database containing identification codes and addressing information corresponding to each identification codes) (see col. 6, lines 19-26);

receiving a telephone call from a user including one of the identification codes (thus, using a telephone to contact a service for searching a database for desired information and performing an operation requested by a user is provided in which, a telephone number associated

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with the service is called; which is equivalent to receiving a telephone call from a user including one of the identification codes) (see col. 3, lines 40-43);

identifying the received telephone number from the telephone call (thus, the call is connected to the desired contact number; which is readable as receiving a telephone call from a user including one of the identification codes) (see col. 3, lines 29-30);

retrieving the user information from the first database by comparing the receiving telephone number with the stored telephone numbers (thus, a method for using a telephone to contact a service for searching a database for desired information and performing an operation requested by a user is provided in which, a telephone number associated with the service is called; which is readable as retrieving the user information from the first database by comparing the receiving telephone number with the stored telephone numbers) (see col. 3, lines 40-43);

retrieving the addressing information corresponding to the received identification code (thus, the database is searched for a contact list corresponding to an identification number of the calling telephone, which is readable as retrieving the addressing information corresponding to the received identification code) (see col. 3, lines 45-46);

addressing the electronic message according to the retrieved addressing information (thus, the user can send an electronic mail from user terminal 10 to web server 68 describing their desired changes in detail; which is readable as addressing the electronic message according to the retrieved addressing information) (see col. 12, lines 37-39). But, Marwell does not explicitly indicate steps of sending at least a portion of the retrieved user information via electronic

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message. However, Foladare indicates the centralized electronic mail apparatus further determines the portions of the electronic mail message that are to be sent to each of the electronic mail receiving devices, (see col. 1, lines 47-50). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of Marwell and Foladare with steps of sending at least a portion of the retrieved user information via the electronic message. This modification would allow the teachings of Marwell and Foladare to improve the accuracy and the reliability of the method and system for telephonically selecting, addressing, and distributing messages, and provide assist sending electronic mail (see col. 1, lines 27-28).

As per claims 37 and 48, Marwell substantially teaches a method as claimed, wherein the electronic message is a fax (see col. 18, lines 65-66).

As per claims 38 and 49, Marwell substantially teaches a method as claimed, wherein the electronic message is an email (see col. 18, lines 65-66).

As per claims 39 and 50, Marwell substantially teaches a method as claimed, wherein the electronic message is a voice mail (thus, voice activated dialing, which is equivalent to electronic message is a voice mail) (see col. 2, lines 1-2).

As per claims 40 and 51, the limitations of claims 40 and 51 are rejected in the analysis of claim 57, and these claims are rejected on that basis.

As per claims 41 and 52, the limitations of claims 40 and 51 are rejected in the analysis of claim 36, and these claims are rejected on that basis.

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As per claims 42 and 53, Marwell substantially teaches a method as claimed, further comprise the step of retrieving a second electronic message to the user (thus, voice activated dialing systems use speech recognition patterning to search through a stored contact database to initiate dialing; which is readable as retrieving a second electronic message to the user) (see col. 2, lines 4-6).

As per claims 43 and 54, Marwell substantially teaches a method as claimed, further comprise the step of sending a second electronic message to the user (thus, send electronic mails; which is readable as sending a second electronic message to the user) (see col. 18, line 63).

As per claim 44, the limitations of claim 44 are rejected in the analysis of claim 57, and this claim is rejected on that basis.

As per claims 45 and 55, the limitations of claims 45 and 55 are rejected in the analysis of claim 57, and these claims are rejected on that basis.

As per claim 46, the limitations of claim 46 are rejected in the analysis of claim 57, and this claim is rejected on that basis.

As per claims 47 and 56, in addition to the discussion in claim 36, Marwell further teaches an ANI for identifying the received telephone number from the telephone call (thus, telephone number, is recognized by cellular MSC 7 and transmitted to tandem switch 22 ACD 24 and CSR terminal 18 as an automatic number identification (ANI) data string; which is readable as an ANI for identifying the received telephone number from the telephone call) (see col. 10, lines 28-31).

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As per claim 57, in addition to the discussion in claim 36, Marwell further teaches purchasing the product based upon the user information retrieved from the first database and the product information retrieved from the second database (thus the user can store his or her clothing sizes in database 16 and use system 2 to contact a customer service representative to arrange for purchase of a pair of pants, the customer service representative has access to a number of vendors whose relevant data is stored in database 16, for example, telephone number, store location, price, Internet web page uniform resource location) (see col. 18, lines 10-16).

As per claims 58, 59 and 64, Marwell substantially teaches a method as claimed, wherein user information includes address information (thus, contact addresses, which is readable as address information) (see col. 18, lines 20-23).

As per claims 60-62, Marwell substantially teaches a method as claimed, wherein address information includes billing information (see col. 6, lines 16-17).

As per claim 63, Marwell substantially teaches a method as claimed, further comprises the step of shipping the product (see col. 18, lines 22-23).

Conclusion

6. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mrs. KIM VU can be reached at (703) 305-8449. The FAX phone numbers for the

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Group 2100 Customer Service Center are: *After Final* (703) 746-7238, *Official* (703) 746-7239, and *Non-Official* (703) 746-7240. NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "**DRAFT**".


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2100 Customer Service Center receptionist whose telephone numbers are (703) 306-5631, (703) 306-5632, (703) 306-5633.



Jean Bolte Fleurantin

December 11, 2002

JBF/



JEAN M. CORRIELUS
PRIMARY EXAMINER